

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

PB 2010-001960

03/07/2011

COMMISSIONER CYNTHIA L. GIALKETSIS

CLERK OF THE COURT
P. Valenzuela
Deputy

IN THE MATTER OF THE ESTATE OF:

ELLIOTT KLEIN

DECEASED.

JEFFREY B COHN
PRESCOTT B POHL

ALTERNATIVE DISPUTE
RESOLUTION - CCC
JUDGE MROZ
JUDGE ROBERT MYERS

MINUTE ENTRY

Courtroom OCH 301

8:59 a.m. This is the time set for hearing re: Petition for Determination. Petitioner, Adair D. Jackman, is not present but appears through counsel, Jeffrey Cohn. Respondent/Personal Representative, Nancy Freitas, is not present but appears through counsel, Prescott Pohl and Kevin Parker.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Respondent agrees to provide Petitioner with copies of Promissory Notes, Deed of Trust, Accounting for all funds taken from loans.

IT IS ORDERED setting trial on **July 7 and July 8, 2011 at 9:00 a.m.**, in this division.

IT IS FURTHER ORDERED the disclosure deadline is April 22, 2011, and any substantive motions are due by May 6, 2011.

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IT IS FURTHER ORDERED setting Settlement Conference before Judge Myers on March 31, 2011 at 1:30 p.m.

9:25 a.m. Matter concludes.

LATER:

SETTLEMENT CONFERENCE SET

IT IS ORDERED that Judge Pro Tem Robert D. Myers (Retired) is appointed to conduct a Settlement Conference **and** to enter stipulated orders in this matter pursuant to Rule 16, Arizona Rules of Civil Procedure, and to enter appropriate orders to enforce any terms of the settlement agreement.

Pursuant to Rule 16.1 of the Arizona Rules of Civil Procedure,

IT IS ORDERED setting a **Settlement Conference on March 31, 2011 at 1:30 p.m. (one-half day)**. The location of the conference will be:

Maricopa County Superior Court
201 West Jefferson Street
Courtroom 1, Central Court Building (Lower Level)
Phoenix, Arizona 85003

IT IS FURTHER ORDERED that all counsel, all clients and other interested parties who have full authority to settle this case shall appear in person.

IT IS FURTHER ORDERED that each party shall prepare a Settlement Memorandum by electronically mailing the documents to JudgeRDMyers1@cox.net on or before **10:00 a.m. on March 25, 2011** (or by delivering the memorandum to the Probate Court Presiding Judge's Division, Suite 102, Old Courthouse, 125 W. Washington, Phoenix, Arizona 85003, if there is no computer access). The memoranda shall comply with Rule 16.1(c) of the Arizona Rules of Civil Procedure and Rule 3.11 of the Local Rules of Maricopa County Superior Court. No memoranda shall exceed **five pages** in length and no attachments shall exceed **10 total pages**.

IT IS FURTHER ORDERED that the memoranda **shall not** be filed with the Clerk of Court but shall be exchanged between counsel or the parties unless the parties stipulate to not

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exchange them and the court orders that the memoranda not be exchanged. All counsel shall review and discuss the opposing parties' memoranda with their own clients.

The Settlement Conference memorandum shall include at least the following information:

1. A general description of the issues in the lawsuit, and each party's position with respect to each issue;
2. A description of the **significant** evidence each party intends to present, with respect to each issue stated in item 1;
3. A summary of **all** settlement negotiations that have previously occurred;
4. An assessment by each party of the anticipated result if the matter did proceed to trial; and
5. Any other information the party believes would be helpful to the settlement process.

All pre-trial motions, including motions to continue the settlement conference, shall be brought before the judge permanently assigned to the case.

NOTE: Pursuant to Rule 16.1(h), Arizona Rules of Civil Procedure, failure to comply with this Order may result in the Court imposing sanctions.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.